



**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF  
MARK ADRIAN CLARK**

*State Bar of Texas Card No. 04292200*

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**CAUSE NO. 48191**

**JUDGMENT OF DISBARMENT**

On the 23<sup>rd</sup> day of October 2014, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Mark Adrian Clark. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) The Texas Court of Appeals, Third District, at Austin, affirmed Respondent Mark Adrian Clark’s criminal conviction and issued its Mandate indicating that the decision was final on or about July 28, 2014;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about September 3, 2014;
- (4) Respondent was served with the Motion for Entry of Judgment of Disbarment and Hearing Notice by personal service on September 10, 2014, to Renisha Green, the agent designated for service of civil process on inmates confined at the Holliday Unit, Texas Department of Criminal Justice, as evidenced by her affidavit and the affidavit of service filed with the Board on September 26, 2014;
- (5) Respondent’s conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T), for which he was sentenced in the 207th Judicial District Court of Comal County, Texas, has become final and is not subject to appeal;
- (6) Respondent’s criminal sentence is not fully probated;

- (7) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

### **Interlocutory Suspension**

On the 28th day of March 2011, the Board of Disciplinary Appeals entered an Agreed Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Mark Adrian Clark, whose State Bar Card number is 04292200, is licensed by the Supreme Court of Texas to practice law but is not currently authorized to practice law in the State of Texas.
- (2) On or about August 6, 2010, Mark A. Clark was charged by Indictment with Count I – Attempted Aggravated Sexual Assault and Count II – Attempted Sexual Performance by a Child in Cause No. CR2010-276, styled, *The State of Texas v. Mark A. Clark*, in the 207th Judicial District Court of Comal County, Texas.
- (3) On or about February 7, 2011, a Judgment of Conviction by Jury was entered in Cause No. CR2010-276 Count II, styled, *The State of Texas v. Mark A. Clark*, in the 207th Judicial District Court of Comal County, Texas, wherein Clark was found guilty of Attempted Sexual Performance of a Child and was sentenced to seven (7) years in the Institutional Division of the Texas Department of Criminal Justice, ordered to pay a \$10,000 fine and costs of \$553.
- (4) Respondent, Mark Adrian Clark, is the same person as the Mark A. Clark who is the subject of the Clark criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (7) Respondent, Mark Adrian Clark, having been convicted of Attempted Sexual Performance of a Child has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (8) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (9) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Mark Adrian Clark,

should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.

- (10) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

### **Disbarment**

The Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Mark Adrian Clark, State Bar No. 04292200 be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be, and is hereby, revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Mark Adrian Clark, is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further **ORDERED** that Respondent, Mark Adrian Clark, not later than thirty (30) days from the date of the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Mark Adrian Clark, shall immediately notify each

of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Mark Adrian Clark, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 24<sup>TH</sup> day of October 2014.



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**CHAIR PRESIDING**

Board member George Taylor not sitting.